

To remedy this problem, this petition suggests the following rule change adding a deadline for filing a motion to remand to the grand jury after an appellate remand for a new trial.

(b) A motion under Rule 12.9(a) may be filed only after an indictment is returned and no later than 25 days after the certified transcript and minutes of the grand jury proceedings have been filed, ~~or~~ 25 days after the arraignment is held, or 25 days after issuance of a mandate reversing a conviction and remanding a case for new trial, whichever is later.

II. CONCLUSION

Petitioner respectfully requests that the Court consider this petition and proposed rule change at its earliest convenience.

DATED this 10th day of January, 2012.

Patience T. Huntwork
Staff Attorney, Arizona Supreme Court

ATTACHMENT¹

ARIZONA RULES OF CRIMINAL PROCEDURE

Rule 12.9. Challenge to grand jury proceedings

a. [No change]

b. Timeliness. A motion under Rule 12.9(a) may be filed only after an indictment is returned and no later than 25 days after the certified transcript and minutes of the grand jury proceedings have been filed, ~~or 25 days after the arraignment is held,~~ or 25 days after issuance of a mandate reversing a conviction and remanding a case for new trial, whichever is later.

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.